

# EXTENSIONS OF REMARKS

## PARENTS BILL OF RIGHTS ACT

SPEECH OF

**HON. SHEILA JACKSON LEE**

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2023

The House in Committee of the Whole House on the state of the Union had under consideration the bill (H.R. 5) to ensure the rights of parents are honored and protected in the Nation's public schools:

Ms. JACKSON LEE. Madam Chair, I include in the RECORD the following letter from First Focus Campaign for Children in opposition to H.R. 5.

FIRST FOCUS,  
Washington, DC, March 20, 2023.

Hon. JULIA LETLOW,  
Member, House Education & Workforce Cmte,  
House of Representatives, Washington, DC.

Hon. KEVIN MCCARTHY,  
Speaker, House of Representatives,  
Washington, DC.

Hon. HAKEEM JEFFRIES,  
Democratic Leader, House of Representatives,  
Washington, DC.

Hon. VIRGINIA FOXX,  
Chair, House Education & Workforce Cmte,  
House of Representatives, Washington, DC.

Hon. BOBBY SCOTT,  
Ranking Member, House Ed & Workforce Cmte,  
House of Representatives, Washington, DC.

DEAR CONGRESSWOMAN LETLOW, SPEAKER MCCARTHY, LEADER JEFFRIES, CHAIRWOMAN FOXX, AND RANKING MEMBER SCOTT: I am writing on behalf of First Focus Campaign for Children, a bipartisan children's advocacy organization dedicated to making children and families a priority in federal budget and policy decisions, to express opposition to H.R. 5, the Parents Bill of Rights Act. We do not believe this bill strikes the right balance between the duties of schools, the rights and responsibilities of parents, and the oft-ignored but important rights of children.

### PARENTAL ENGAGEMENT IS CRITICAL

First, let's be clear: Parents are fundamental to the upbringing of children and absolutely should be engaged and involved in the education of their children. In fact, children have better outcomes when their parents are involved. As a parent of four children myself, I have engaged with my children's schools by voting in school board elections, attending all parent-teacher conferences, volunteering in my children's classrooms, scheduling time to meet with teachers and administrators when important issues arise, serving on the PTAs at my children's schools, serving on athletic booster clubs, and volunteering as an assistant boys and girls basketball coach for two county schools.

In addition to my personal experiences, I have learned a great deal over the years from both of my parents, my step-mother, step-brother, my uncle, and several cousins, who are all educators. Consequently, I have immense respect for the work, talent, dedication, and concern that the vast majority of teachers and educators bring to their profession on a daily basis—all with the goal of educating our nation's children to best achieve their hopes and dreams while also

trying to provide a place of safety and compassion for each and every one of their students.

Again, we strongly support parental engagement in education, but parents should not control all curriculum and educational decisions. Doing so is unworkable.

For example, imagine an elementary school of 500 students where 12 parents oppose the teaching of evolution, 8 parents believe the earth is flat, 21 are Holocaust deniers, 14 oppose learning about slavery, 7 believe in racial segregation, 17 believe in the concept of schools without walls, 27 believe in corporal punishment, 12 want Harry Potter books to be banned, 25 want books banned that mention the Trail of Tears, 31 believe parents should be allowed to overrule a physician's decision that a child with a concussion should refrain from participating in sports, 39 oppose keeping kids out of school when they have the flu, 4 believe that a child with cancer might be contagious, 34 believe students should be "tracked" in all subject areas, 12 believe students should not be taught how to spell the words "spinal tap", "quarantine", or "isolation" because they are too "scary of words," 41 don't like the bus routes, 45 want a vegan-only lunchroom, 4 demand same-sex classrooms, etc. Even though most parents oppose these demands by some parents and many of them are completely false, undermine the purpose of education, threaten the safety of children, or promote discrimination, H.R. 5 would seek to push their accommodation in some form.

### THE REAL PARENTS AGENDA FOR CHILDREN

We must all do better by our kids.

By an overwhelming 77-11% margin, a May 2022 poll by Lake Research Partners found that parents believe "policy involving children should always be governed by a 'best interest of the child' standard." By a 60-19% margin, the American people believe we are spending too little as opposed to too much on public education. And when it comes in investing in children, 9-in-10 voters (90-7%) agreed with the statement that "investing in children helps improve their lives, development, and outcomes."

When it comes to children's policy overall, a nationwide survey by Global Strategy Group in February 2023 found that American voters have strong priorities in favor of "creating more effective childcare options for all families" (87-8 percent), expanding family and medical leave" (82-12 percent), bringing back the improved Child Tax Credit (76-13 percent), and "expanding universal preschool for all 3- and 4-year-olds" (73-16 percent). The support for this agenda stands in sharp contrast to the opposition that American voters express to an agenda that would call for "passing legislation banning transgender-focused health care options for young Americans" (41-47 percent), "banning books that some parents find to have questionable content" (32-57 percent), and "banning high school classes like AP African-American history" (21-68 percent).

### CHILDREN HAVE FUNDAMENTAL RIGHTS TOO

Before diving into the details of H.R. 5, it is important to acknowledge that children need the support BY parents and government to be successful, and that they also sometimes need protection FROM parents and government.

The fact is that children have unique and fundamental human rights that should not

be ignored or dismissed. These include the right to an education, the right to health care, the right to be protected from abuse and violence at home and in schools, the right to be protected from gun violence and school shootings, the right to not be discriminated against because of their race, ethnicity, gender (including gender identity and sexual orientation), economic status, disability, religion, immigration status, or age.

As for parental rights and H.R. 5's attempts to modify the Protection of Pupil Rights Act (PPRA) and the Family Education Rights and Privacy Act (FERPA), it is important to highlight that PPRA was originally enacted nearly 50 years ago (in 1974) and has been modified several times, including in 1978, 1994, and 2002, in order to broaden access and consent requirements.

H.R. 5 ADDS NEW BUREAUCRACY TO SCHOOLS AND DETRACTS FROM THE TIME, ATTENTION, AND FUNDING DEDICATED TO STUDENTS

While the impetus for aspects of H.R. 5 are well-intentioned, our first concern is that the language is duplicative of language already in federal law, policies in state law, and general practice by school districts all across this country in many respects but also potentially adds new bureaucracy and red tape to schools and school districts all across this for no apparent benefit.

Unfortunately, these proposed changes may potentially harm children. Any funding, time, and attention that is shifted away from students and their learning toward added bureaucracy and red tape can be detrimental to students. But H.R. 5 provides no funding to address the many newly imposed bureaucratic requirements upon schools.

For example, H.R. 5 proposes new reporting requirements for schools to include in their "local educational agency report card" a budget that is detailed "for each elementary school and secondary school served by the local educational agency." Requiring detailed accounting of costs, some of which are shared across school campuses (e.g., school nurses, bus drivers, etc.), for the more than 90,000 public schools across this country will likely greatly increase the employment of accountants. However, H.R. 5 does not provide funding to pay for such a mandate. Before proceeding, we should acknowledge that this newly-imposed mandate detracts from the funding, time, and attention school districts and educators have for improving the education and well-being of children.

First Focus Campaign for Children supports tracking funding that is allocated for children's programs as a share of government spending, and thus, annually produce a Children's Budget that analyzes the funding of more than 250 federal programs. We share this report with Congress to raise the awareness and transparency of funding for children. However, we would urge Congress to focus as many of those dollars as possible on the children themselves and not on excessive accounting and reporting measures that consume much of the attention and focus of H.R. 5.

### H.R. 5 PROMOTES BOOK BANS RATHER THAN ACCESS TO BOOKS AND READING

Another important concern is language from Sec. 104 and Sec. 202 that would require schools to share with all parents of students at every school "a list of books and other

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

reading materials available to the students of such school in the school library.” Again, compiling, cataloging, and sharing such information to all parents would come at great time and expense that is not paid for by H.R. 5. That money and time would come at the expense of librarians and other educators focused on the education of children. Parents already have the right to visit their child’s school and its library, to request such information, and to ask their own children what they are learning and reading in school.

Rather than adding the burdens of more bureaucracy and red tape to schools and creating a chilling effect through increasing incidences of censorship and book bans, we should be working together to pass legislation to encourage students to read and learn through greater access to books, such as Reach Out and Read, First Book, Reading Is Fundamental, and other literacy programs. An individual parent should not solely be allowed to object to a book and cause its censorship for all of the children in a school or school district. This violates the parental rights of the vast majority of parents who do not support book bans or censorship.

Even more importantly, it violates the fundamental rights of children. As Justice Abe Fortas wrote in his majority opinion in *Tinker v. Des Moines Independent School District* (1969):

Students in school as well as out of school are “persons” under our Constitution. They are possessed of fundamental rights which the State must respect, just as they themselves must respect their obligations to the State . . . In the absence of a specific showing of constitutionally valid reasons to regulate their speech, students are entitled to freedom of expression of their views.

Justice Fortas adds:

It can hardly be argued that either students or teachers shed their constitutional rights to freedom of speech or expression at the schoolhouse gate.

In the Supreme Court case *Island Trees School District v. Pico* (1982), the Court ruled that children have a fundamental right to an education and access to learning that is not limited by the censorship of books based on “narrowly partisan or political” grounds. As Justice William Brennan writes:

Our Constitution does not permit the official suppression of ideas. Thus, whether petitioners’ removal of books from their school libraries denied respondents their First Amendment rights depends upon the motivation behind petitioners’ actions. If petitioners intended by their removal decision to deny respondents access to ideas with which petitioners disagreed, and if this intent was the decisive factor in petitioners’ decisions, then petitioners have exercised their discretion in violation of the Constitution.

#### H.R. 5 THREATENS ACCESS TO HEALTH CARE, PRIVACY, AND CONFIDENTIALITY OF STUDENTS

Concern about access to health care for our children leads us to oppose the language in H.R. 5 with respect to school health. There were more than 4 million children in this country that were uninsured in 2020. In 2016, the Children’s Health Fund estimated that over 20 million children lacked “sufficient access to essential health care.”

Therefore, the role of school based health clinics, school nurses, school counselors, coaches, social workers, and physical trainers in schools is critically important to the health, education, and well-being of children. The language in H.R. 5 appears to dramatically expand the potential incidences in which all of these school personnel would have to seek out parental notification and consent prior to performing care, such as to check whether a student has a fever, has an ankle sprain, may have experienced a con-

cussion, or need to check for a possible broken bone. In many cases, these may not be considered emergencies, but in the meantime, children languish or must wait while school personnel spend large amounts of time trying to track down parents for consent.

In the report accompanying H.R. 5, the House Education and Workforce Committee majority write, “Americans should never be forced to relinquish these parental rights to government—whether that involves curriculum decisions or *personal medical choices*” (emphasis added).

We strongly disagree.

First, such a statement would threaten the health, safety, and lives of some children in our country. For example, based on that statement, does the Committee majority reject the ability of schools to set graduation requirements? Oppose the teaching of evolution? Allow parents to send children to school even if they are vomiting, have a fever, diarrhea, or have a communicable disease? Does the Committee majority now oppose school vaccine mandates? School concussion protocols?

Even more fundamentally, the sweeping statement in the Committee report would seemingly reject actions by government to protect the lives of children, such as that by a Hillsborough County judge in Florida who ruled in 2019 that a 3-year-old should continue chemotherapy treatment at Johns Hopkins All Children’s Hospital at the advice and consent of doctors rather than the parents desire to stop cancer treatment and use “other methods such as an alkaline diet and cannabis.”

At its extreme, parental rights are granted in virtually all matters related to the health of their children in Idaho, including the use of faith healing rather than medical treatment. This has resulted in tragic health outcomes, including the death of children. The Washington Post reported in 2018 that, “Child advocates estimate that 183 Idaho children have died because of withheld medical treatment since states across the nation enacted faith-healing exemptions in the early 1970s.”

We urge the Committee majority to reconsider its language, as it raises grave concerns about the role some parents have played in decisions to impose female genital mutilation, conversion “therapy,” rebirthing “therapy,” certain types of involuntary institutionalization of children, seclusion and restraint, forced sterilization of children with disabilities, and other harmful or detrimental “personal medical choices.”

On this last point, there are also very troubling stories in which some parents bought into an array of false or dangerous treatment for autism that included “industrial bleach . . . turpentine or their children’s own urine as the secret miracle drug for reversing autism.” We would hope that everyone would agree that children should be protected—by government—from that.

We also support the affirmative right of children to seek out health care services in schools and, when requested, to have their privacy and confidentiality respected. And for decades, so has Congress. In fact, some of the language being amended by H.R. 5 comes from the Protection of Pupil Rights Act.

Therefore, for a student that seeks out a medical professional at school and desires privacy and confidentiality, we strongly urge that the request be respected. As Abigail English and Dr. Carol Ford explain in *The Journal of Pediatrics*, confidentiality and privacy is critically important to adolescents:

Decades of research findings have documented the ways in which privacy concerns influence adolescents’ willingness to seek

healthcare, where and when they seek care, and how candid they are with their healthcare providers. In the absence of confidentiality protections, some adolescents forego care entirely, some delay care or avoid visiting providers they perceive as not assuring confidentiality, and some limit the information they are willing to disclose.”

The authors highlight an important reality:

Not all adolescents have parents who are available, willing, and able to communicate with them about sensitive issues, and not all adolescents are willing to share information about all sensitive health issues with their parents. In this context, confidential consultation with a healthcare provider can play an essential role. Eliciting candid information about adolescent concerns, health behaviors, and symptoms clearly increases clinicians’ opportunities to address concerns, provide evidence-based prevention and risk-reduction counseling, and ensure timely diagnosis and treatment.

With potentially tragic consequences, H.R. 5 appears to undermine the affirmative rights of young people to seek out or health care providers for suicide prevention, mental health, substance abuse, asthma, infectious diseases, or other health care services without schools first obtaining written parental consent. Furthermore, H.R. 5 is silent on the matter of when parents may disagree over consent and the default should never be that kids are denied or left to languish with respect to access to essential services that are important to their health, well-being, and safety.

#### SCHOOL PERSONNEL SHOULD NOT BE SUBJECTED TO THREATS, INTIMIDATION, OR VIOLENCE

Finally, although we often do not comment on language that expresses the Sense of Congress, language in Sec. 105 argues that “[e]ducators, policymakers, and other stakeholders should never seek to criminalize the lawfully expressed concerns of parents about their children’s education.” While we agree with that sentiment, it should also be said that parents should never bully, threaten, dox, or seek to intimidate educators, teachers, and even students themselves. The numerous stories of threats, violence, and efforts to intimidate school board members, administrators, teachers, and even students is disturbing and should never be considered acceptable.

In fact, many examples of threats, intimidation, and violent behavior cited in footnote 16 would never be tolerated if such behaviors were conducted by children. Kids would be punished and even arrested for far less. Furthermore, I would highlight that H.R. 5 would require such violent behavior “on school grounds or at school-sponsored activities” to be reported to parents (Sec. 104). Would that also include reporting violent acts of parents on school grounds or at school-sponsored activities, such as those cited in footnote 16, to all other parents in the school district?

On this point, we should all be deeply concerned about what message adults engaging in such behaviors are sending to our children. Our children are watching and listening, and it is sad that so many adults are trying to make education all about themselves rather than keeping the focus on the education, needs, and well-being of children. H.R. 5 should not promote such behavior.

In the report accompanying H.R. 5, the Committee majority cite the “Nicole Solas story” as a “prime example of how school administrators can stonewall even the most basic attempts to uncover what children are being taught.” Left unsaid is that Solas and her husband filed over 300 Access to Public Records Act (APRA) requests with multiple

requests within each individual request that the school district estimated would take nearly 5,000 hours at enormous cost to the schools and to taxpayers (and again, time and money diverted away from serving children). These requests included demands for all emails, personnel records related to individual teachers, and records that contain personal information, including the home addresses and medical information of numerous teachers and educators in the school system.

Also left unsaid is that Rhode Island's APRA explicitly protects the disclosure of information about "individuals maintained in the files of public bodies when disclosure would constitute an unwarranted invasion of personal privacy." This is an important fact that should not be ignored. One APRA request could have asked for the curriculum, as Solas claimed that she wanted, but that was accompanied with hundreds of other requests: many of which would invade of personal privacy of targeted teachers and other educators in schools. We would urge the Committee to not try to make Solas the "poster adult" for parental engagement. She is not.

Furthermore, Congress should be more discerning with respect to the types of behaviors that it finds acceptable. Supreme Court Justice Warren Berger explains, "Even the most heated political discourse in a democratic society requires consideration for the personal sensibilities of the other participants and audiences. In our Nation's legislative halls, where some of the most vigorous political debates in our society are carried on, there are rules prohibiting the use of expressions offensive to other participants in the debate."

For example, Congress would not allow the behaviors exhibited in footnote 16 to take place as it attempts to conduct its own congressional business. Thus, it is unreasonable to expect school boards and educators to subject themselves to extremely unproductive behavior as cited in footnote 16 when Congress would never tolerate the same. Threats of violence and intimidation are threats to democracy. Instead, Congress should promote discourse and civility.

Again, we strongly support the critical importance that parents have in the upbringing and education of their children. Unfortunately, we believe there is language in H.R. 5 that would prove to be unnecessarily detrimental to the education, health, privacy, and well-being of children. We urge you to go back to the drawing board and work with educational and child and family organizations to improve and rebalance the focus of this legislation, and to remember that children have fundamental rights too.

Rather than a self-centered agenda focused upon parents, the vast majority of parents really want what is best for their children. They do not accept that, as a nation, the U.S. ranks 36th out of 38 wealthy nations on measures of child well-being. They demand that we do better by children. That should be all of our focus.

As such, parents are far more interested and focused on improving education, child health, and reducing child poverty, hunger, and homelessness than book bans, censorship, the whitewashing of history and science, and the excessive filing of numerous records requests for personal and confidential information about school teachers.

Let's work together toward those goals.

Sincerely,

BRUCE LESLEY,  
President.

## PARENTS BILL OF RIGHTS ACT

SPEECH OF

**HON. SCOTT FITZGERALD**

OF WISCONSIN

IN THE HOUSE OF REPRESENTATIVES

Thursday, March 23, 2023

Mr. FITZGERALD. Madam Chair, I rise today in support of H.R. 5, the Parents Bill of Rights. Our students are the future. They need support, particularly parental support. However, school administrators have decided to undermine this support by keeping parents from getting involved in their own children's education, teaching divisive curriculum, and protecting themselves from accountability.

It is abundantly clear that parents want to be involved. In fact, just the other day in Wisconsin, the School District of Waukesha approved a resolution that established parents' rights and transparency. In this resolution, the school board affirms their commitment to parents, protection for students' religious and moral beliefs from discrimination, and keeping controversial issues out of the classroom.

There is an innate need for parental involvement in education, which is why I strongly support H.R. 5. In fact, my own bill, the CRT Transparency Act, is included in this legislation. This important bill requires schools to post their curriculums online so that parents can see what their students are being taught. Parents across the nation are seeing violations of their rights and their important role replaced. We must pass H.R. 5 to protect parents' right to be heard and put our children first.

## COMMENDING HAKELA HAPNER ON HER WORK FOR ALABAMA DISTRICT ONE

**HON. JERRY L. CARL**

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 2023

Mr. CARL. Mr. Speaker, I rise today to honor Hakela Hapner for her service to Alabama's First Congressional District.

Hakela received her Bachelor's degree in History and Business Law from the University of Southern California. After graduating, she was hired by the Institute for Justice as a Mafucci Fellow and then as an Activism Assistant. I then hired her in September of 2021 as a Legislative Correspondent, where she managed the mail program and was soon promoted to Military Legislative Assistant.

Hakela handled the National Defense Authorization Act, Veterans Affairs, Science and Space, Homeland Security, Oversight and Government Reform, Energy and Water Development, Food and Drug Administration, Rural Development, Agriculture Appropriations, and State and Foreign Operations Appropriations. Hakela stepped up and took the lead on my community funding requests and general appropriation requests. She has been a force for Alabama's First District during her time holding these positions.

We are so proud of all the accomplishments she has made, and I cannot wait to see where the next adventure takes her.

## RECOGNIZING TRIPLE NEGATIVE BREAST CANCER AWARENESS MONTH

**HON. CAROL D. MILLER**

OF WEST VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 2023

Mrs. MILLER of West Virginia. Mr. Speaker, triple negative breast cancer is an aggressive breast cancer and patients with undiagnosed metastatic TNBC have a less than 30 percent chance of surviving past five years. Unlike other breast cancers, TNBC is more difficult to treat. There are limited therapies available specifically addressing the management of TNBC, which has made treating this disease a challenge for clinicians. In my home state of West Virginia, the breast cancer mortality rate among women is the 8th highest in the U.S. The prevalence of TNBC in West Virginia is 13 percent, and studies have found links between obesity and TNBC patients in the state. It is imperative to increase the overall wellness of our population, especially for women suffering from a disease as invasive as TNBC. That's why we need more research and access to care in West Virginia to catch this disease early. We need to work together not just this month, but every month, to maintain momentum to improve early diagnosis, treatment planning, cancer typing, and research to help all those affected by TNBC.

## HONORING THE SPIRITED LEADERSHIP AND SERVICE OF DEBBIE KIEVITS

**HON. JOE COURTNEY**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, March 24, 2023

Mr. COURTNEY. Mr. Speaker, I rise today in recognition of a Connecticut hero, Ms. Debbie Kievits of Norwich. As the founder of Norwich Bully Busters, Debbie has been relentless in her leadership behind a local anti-bullying campaign for more than two decades. Debbie will be honored this weekend in Norwich following her recognition in USA Today as Connecticut's 2023 Woman of the Year.

Debbie Kievits has long stood firm in her faith of youth empowerment. In 2000, following a string of unfortunate bullying incidents that also impacted her own family, Debbie envisioned an opportunity to improve her community. She took charge and began to engage with fellow parents. In doing so, Debbie came to understand that reducing bullying amongst youth is a constant battle that requires town-wide buy-in. She obviously continues to courageously pursue this fight today.

Following the incidents in 2000, Debbie felt inspired to implement her own vision after engaging with parents and groups like Youth Against Bullying. She created Norwich Bully Busters, a volunteer-based organization missioned toward sharing a simple message: "Kindness is magical."

At the time this group might have been viewed as benign but peripheral to school development. In 2023, we now understand how the problems Debbie identified are the central challenge to public education today, mainly fostering safe and healthy learning environments. The push to strengthen the behavioral